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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,880	01/30/2001	Hiroshi Hagane	Q62767	2676

7590 09/10/2004
SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

LELE, TANMAY S

ART UNIT PAPER NUMBER

2684

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/771,880

Applicant(s)

HAGANE, HIROSHI

Examiner

Tanmay S Lele

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2684

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: (see attached response).
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____


Claim(s) objected to: _____

Claim(s) rejected: 1-18.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other:


NICK CORSARO
PRIMARY EXAMINER


Tanmay Lele
Tele: (703) 305-3462

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 26 July 2004 have been fully considered but they are not persuasive.

Regarding claims 1, 12, 13, and 18, Applicant attempts to overcome the rejection by stating, "While, Chen discloses that the desired information can be delivered to the user 'in the appropriate voice and/or text format' (see Id., col. 6, lines 36-39, see also Id., col. 5, lines 9-19), Chen does not disclose, teach or suggest packet communication based on speech recognition for sending and receiving at least one of image information and character information by performing packet communication with the center, as recited in Applicant's independent claims 1, 12, 13 and 18," and further that, "In particular, as further explained during the interview, in Chen the mode (speech communication or packet communication) of transmission of the information, which has been obtained based on the received and recognized search request, mimics the mode by which the search request was made (see Id., col. 5, lines 22-27)." Examiner respectfully disagrees with Applicant's arguments. Initially, note that the cited passages of Chen stated by Applicant, column 5, lines 21 -27, specifically state this to be a possible alternative method. As noted by Applicant, Chen does additionally include and recite of a situation where, "... either spoken voice, alphanumeric text (and hence the characters, as claimed), or combination of both... transmitted through the PSTN to the user's telephone instrument" (column 5, lines 9 -16). Continuing, as detailed in the previous Office Action (mailed 6/14/2004), Examiner noted that Chen teaches of the use of SMS (short messaging service in column 5, line 33) and further that it was known in the art that such

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a service is a packet communication service that can be transmitted simultaneously with voice (ie speech; from Rappport's Wireless Communications, for example pages 501 – 502). Hence, because the cited art does allude to both forms of presentation and further makes reference to technologies that support both voice and data simultaneously, Examiner respectfully disagrees with Applicant that the cited could not perform the claimed as broadly interpreted.

Continuing, Applicant states in reference to Toru, "Since communication part 111 is part of 'voice data transmitting means', then according to Toru, search results, which are transmitted via the communication part 111, are transmitted not by packet communication, but by voice communication." Examiner respectfully disagrees with this interpretation of Toru. Note that though Toru does attribute these features to the part 111, other functions are additionally described with relation to this part in Toru's disclosure (for example in 0052 where a packet of data is sent to the mobile terminal 101 and 0048 wher TCP/IP packet negotiations are discussed). Hence, examiner is not persuaded by Applicant's arguments that Toru does not teach or recite the claimed as presented.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tanmay S Lele
Examiner
Art Unit 2684

tsl
August 31, 2004


NICK CORSARO
PRIMARY EXAMINER